

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
RUBEN D. ESCALANTE, Cal. Bar No. 244596
3 rescalante@sheppardmullin.com
333 South Hope Street, 43rd Floor
4 Los Angeles, California 90071-1422
Telephone: 213.620.1780
5 Facsimile: 213.620.1398

6 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
7 Including Professional Corporations
SHANNON Z. PETERSEN, Cal. Bar No. 211426
8 spetersen@sheppardmullin.com
LISA S. YUN, Cal. Bar No. 280812
9 lyun@sheppardmullin.com
12275 El Camino Real, Suite 200
10 San Diego, CA 92130-2006
Telephone: 858.720.8900
11 Facsimile: 858.509.3691

12 Attorneys for Defendant
GREAT DESTINATIONS, INC.

13
14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION
16

17 MICHELE DEL VALLE; an
individual, for herself and all
18 members of the putative class,

19 Plaintiff,

20 v.

21 GREAT DESTINATIONS, INC., a
Nevada Corporation, and DOES 1
22 through 100, inclusive,

23 Defendants.
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25
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27
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Case No.

[State Court Case No. 30-2015-
00771632-CU-MC-CXC]

**GREAT DESTINATIONS INC.'S
NOTICE OF REMOVAL OF
ACTION PURSUANT TO 28 U.S.C. §§
1441(a) & 1446**

[Filed concurrently with Declaration of
Lisa S. Yun and Notice of Parties With
Financial Interest]

Complaint filed: February 6, 2015

1 **TO THE UNITED STATES DISTRICT COURT FOR THE**
2 **CENTRAL DISTRICT OF CALIFORNIA AND TO PLAINTIFF AND HER**
3 **ATTORNEYS OF RECORD:**

4 **PLEASE TAKE NOTICE** that Defendant Great Destinations, Inc.
5 (“Great Destinations”), contemporaneously with the filing of this Notice, hereby
6 effects removal of the below-referenced action from the Superior Court of the State
7 of California, County of Orange, Central Justice Center, to the United States District
8 Court for the Central District of California.

9 This action is removed pursuant to the procedures found in 28 U.S.C.
10 section 1446, and removal jurisdiction is based on 28 U.S.C. section 1441(a)
11 (federal question).

12 **I.**

13 **STATE COURT COMPLAINT**

14 1. On February 6, 2015, Plaintiff Michele Del Valle (“Plaintiff”)
15 filed a complaint in the Orange County Superior Court entitled, *Michele Del Valle v.*
16 *Great Destinations, Inc., et al.* (“Complaint”).

17 2. Plaintiff served the Summons and Complaint on Great
18 Destinations on February 17, 2015. Declaration of Lisa S. Yun, Ex. A.

19 3. Plaintiff asserts the following causes of action in her Complaint:
20 (1) alleged negligent violations of the Telephone Consumer Protection Act
21 (“TCPA”) under 47 U.S.C. § 227 *et seq.*; and (2) alleged knowing and/or willful
22 violations of the TCPA under 47 U.S.C. § 227 *et seq.* Yun Decl., Ex. A.

23 4. Plaintiff purports to act on behalf of a putative class of:

24 All persons within the United States to whom Defendants
25 have placed a call to said persons’ cellular telephone
26 (without their prior express consent and not for emergency
27 purposes) through the use of an automatic telephone
28 dialing system within four years prior to the filing of this
complaint.

1 See Yun Decl., Ex. A, Complaint ¶ 21.

2 5. Great Destinations answered Plaintiff's Complaint in the
3 Superior Court on March 16, 2015. Great Destinations' Answer generally denies
4 Plaintiff's allegations pursuant to California Code of Civil Procedure section
5 431.30(d), and asserts a number of affirmative defenses. Yun Decl., Ex. B.

6 **II.**

7 **REMOVAL IS PROPER BASED ON FEDERAL QUESTION**

8 **JURISDICTION**

9 6. This Court has original federal question jurisdiction under 28
10 U.S.C. § 1331.

11 7. Each of Plaintiff's causes of action is based on the Telephone
12 Consumer Protection Act, 47 U.S.C. section 227, *et seq.* Accordingly, the
13 Complaint is removable under federal question jurisdiction. 28 U.S.C. § 1441(a).

14 **III.**

15 **THE NOTICE OF REMOVAL IS PROCEDURALLY PROPER**

16 8. In accordance with 28 U.S.C. 1446(a), all copies of papers filed
17 in the State Court action (except payment receipts) as of the filing of this Notice of
18 Removal are attached as exhibits to the Yun Declaration.

19 9. Pursuant to 28 U.S.C. 1446(b)(2)(B), Great Destinations had 30
20 days from February 17, 2015—the date of service of the Complaint and Summons—
21 to file its Notice of Removal, i.e. until March 19, 2015. Thus, Great Destinations'
22 Notice of Removal is timely.

23 10. Venue in this Court is proper pursuant to 28 U.S.C. section
24 1446(a) because this action was removed from Orange County Superior Court,
25 located within the District and Division of the Court.

26 11. Pursuant to 28 U.S.C. § 1446(d), Great Destinations is providing
27 written notice to Plaintiff of the removal of this action.

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